

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI**

BETHANY GODSY,)	
)	
Plaintiff,)	
)	
vs.)	Case No.
)	
UNITED STATES)	
)	
Defendant.)	

**COMPLAINT
Federal Tort Claims Act.**

COMES NOW Plaintiff Bethany Godsy by and through her undersigned attorney
and as and for her Complaint for damages states:

Jurisdiction and Venue

1. Jurisdiction rests in this Court under the Federal Tort Claims Act, 28 USC §1346 et seq. and 39 C.F.R. 912 in that Plaintiff suffered injury due to the negligence of a Postal Service employee driving a U.S. Postal Service vehicle, engaged in the course and scope of their government employment.

2. Venue is proper as the vehicle collision at issue occurred within the venue of the Western District of Missouri Federal District Court – Southern Division.

3. Plaintiff timely filed and served an Administrative Claim as required under the F.T.C.A., Tort Claims Act on May 4, 2020 being claim number 640-20-00451614A, and a copy of the claim is marked as “Exhibit 1” and incorporated as if set out fully herein. The Law Department of the National Tort Center acknowledged receipt of the same as of that date.

4. In a letter dated June 17, 2020, the United States Postal Service acknowledged Plaintiff’s claim stating, “we have six months from May 8, 2020 to respond to the claim”. That more than six months has elapsed since the time of the demand and although a response was received from the United States Postal Service a settlement was not reached.

Factual Pleadings

1. On October 16, 2019 at approximately 9:50 a.m. Plaintiff was operating a motor vehicle traveling northbound on CRD 1180 approaching the intersection at a private drive in Barry County.

2. At that same time and place, Mary I. Washam, a United States Postal Service driver on duty and within the scope of her employment with the Postal Service, was operating a United States Postal Service vehicle attempting to exit the private drive onto CRD 1180.

3. Washam drove her truck directly into a head on collision with the vehicle Plaintiff was driving, activating the airbags of Plaintiff's vehicle.

4. Defendant United States, through the actions of its United States Postal Service employee driver, was negligent and careless in the following respects:

- a. failure to yield the right of way (MAI 17.08);
- b. wrong side of the road (MAI 17.13);
- c. failure to keep a careful lookout (MAI 17.05).

5. As a direct and proximate result of the aforesaid negligent acts or omissions of Defendant by and through its employee, Plaintiff was caused to suffer injuries to her head, neck, chest, abdomen, right hand and bilateral knee and/or aggravations of prior conditions.

6. As a direct and proximate result of the negligence aforesaid, and of the injuries caused thereby, Plaintiff has been caused to undergo medical care and therapy, and will be so required in the future, and has thereby incurred medical bills in excess of Twenty-Four Thousand Dollars (\$24,000.00) at the time of the filing of this Complaint and Plaintiff will incur further expenses for medical and/or medication in the future.

7. As a direct and proximate result of the negligence aforesaid, and of the injuries caused thereby, Plaintiff has been caused significant and ongoing pain, suffering and disability in her personal endeavors; some or all of which are permanent, progressive, painful and/or

disabling; that Plaintiff has suffered severe and permanent disability which will force a loss of benefits as a result of her combined injuries and disabilities, in amounts to be determined.

8. As a direct and proximate result of Defendant's negligence, Plaintiff's property was damaged specifically her 2009 Chevrolet Equinox.

WHEREFORE, for the reasons stated above, Plaintiff, Bethany Godsy, prays this Court enter judgment in her favor and against Defendant for an amount fair and reasonable and sufficient to compensate her for her damage and losses and future damage and losses, for costs of suit, and for such other relief as this Court deems just and proper.

PLAINTIFF DEMANDS A JURY TRIAL.

PETTIT LAW OFFICE

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